

**COURT OF COMMON PLEAS, GENERAL DIVISION
SCIOTO COUNTY, OHIO**

FLOYD LAYNE
85 ROSE STREET
MCDERMOTT, OH 45652

Plaintiff,

v.

SCIOTO COUNTY, OHIO

c/o Shane Tieman, Scioto County Prosecutor
612 6th Street, Room E
Portsmouth, Ohio 45662

and

JOHN DOE(S) #1-100,
Person(s), Corporation(s), or other
Entity(ies) Responsible for the Tortious
Conduct which caused injury to Plaintiff

Defendants.

Case No. 20C1C 0267

JUDGE HOWARD HARCHA III

JUDGE MARK KUHN

COMPLAINT

(JURY DEMAND ENCLOSED)

FILED

2020 JUL 24 P 4:00

CLERK OF COURT
SCIOTO COUNTY, OHIO
2020 JUL 24 10:13 AM

PARTIES

1. Plaintiff, Floyd Layne, is a citizen of the state of Ohio, county of Scioto, and country of United States who has his current residence located at 85 Rose Street, McDermott, Ohio 45652.

2. Defendant, Scioto County, Ohio, is presently and was at all times relevant herein the county improperly prosecuting the action against the Plaintiff and was acting in relevant part through the Scioto County Sheriff's Department.

3. Defendants, John Doe(s) #1-100, are person(s), corporation(s), or other entity(ies) responsible for the tortious conduct which caused injury to the Plaintiff and/or who tortiously caused injury to Plaintiff on or about the dates covered in the Statement of Facts, names and addresses unknown [hereinafter "John Doe(s) #1-100"]. The true names and addresses of the John Doe Defendants could not be discovered by the Plaintiff through the exercise of reasonable diligence and will be supplemented as such information becomes available.

STATEMENT OF FACTS

4. Plaintiff hereby realleges and reavers each and every allegation contained in the foregoing paragraphs as if fully rewritten herein.

5. On or around July 31, 2018 Plaintiff was arrested, at which point representatives of the Scioto County Sheriff's Department used excessive force when placing him into a cruiser, causing serious injuries to Plaintiff's shoulder, biceps, and arm. Plaintiff was subsequently detained and incarcerated, during which time he continually requested the urgent medical care he needed, to no avail. Plaintiff's case was subsequently dismissed, and he was finally able to seek out appropriate medical care, however at that point permanent damage had been done.

6. As a result of the actions and inaction of those persons entrusted to care for Plaintiff during his incarceration, he has suffered permanent and severe damage to his arm/shoulder/biceps region. Plaintiff has endured severe pain and stiffness in the arm. Plaintiff had two screws placed in his shoulder, along with suffering a severe lack of range of motion and strength in the same.

7. As a result of the negligence, purposeful actions, and inattention of the Defendant(s), Plaintiff is unable to work and has missed out on significant employment

opportunities. Plaintiff continues to treat medically for the purpose of pain management and therapy. Plaintiff's injuries are permanent in nature and submits that he will not fully recover from said injuries.

8. Plaintiff incurred significant legal fees, travel expenses, lost employment, mental anguish, physical ailments, and other damages as a direct result of the Defendant(s) actions in the instant case.

VENUE

9. Plaintiff states that venue is proper in the Scioto County Court of Common Pleas as at all times relevant herein he was a resident of Scioto County, Ohio and the initial actions giving rise to the personal injuries of the Plaintiff occurred in Scioto County.

COUNT ONE: PERSONAL INJURY

10. Plaintiff hereby realleges and reavers each and every allegation contained in the foregoing paragraphs as if fully rewritten herein.

11. As a direct and proximate result of the actions of the Defendants, Plaintiff:
- a. suffered serious, painful and permanent bodily injuries, great physical pain and mental anguish, severe and substantial emotional distress, loss of the capacity for the enjoyment of life;
 - b. was, is and will be required to undergo medical treatment and to incur medical costs and expenses to alleviate injuries, pain and suffering;
 - c. was, is and will be precluded from engaging in normal activities and pursuits, including a loss of ability to earn money and of actual earnings;

d. and, otherwise was hurt, injured and caused to sustain losses.

**COUNT TWO: CIVIL RIGHTS VIOLATION AND DEPRIVATION OF DUE PROCESS
OF LAW**

12. Plaintiff hereby realleges and reavers each and every allegation contained in the foregoing paragraphs as if fully rewritten herein.

13. Defendants, in their collaborative actions in this matter, have deprived the Plaintiff Floyd Layne of his Due process rights pursuant to the Ohio and United States Constitutions along with his civil rights under 42 U.S.C. Section 1983.

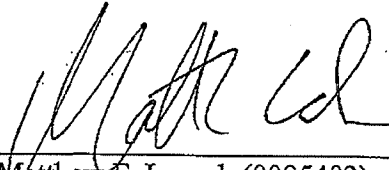
14. Defendants acted under the color of state law when the Defendants deprived Plaintiff of his federal rights, property interests and otherwise discriminated against Plaintiff based upon Plaintiff's sexual orientation.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory damages in excess of \$25,000.00 (TWENTY-FIVE THOUSAND DOLLARS), prejudgment interest, attorney fees, punitive damages, plus the cost of this action, and any other additional relief as the Court deems proper.

PLAINTIFF DEMANDS A TRIAL BY JURY IN THIS ACTION.

Respectfully submitted,

MATTHEW LOESCH, ATTORNEY AT LAW



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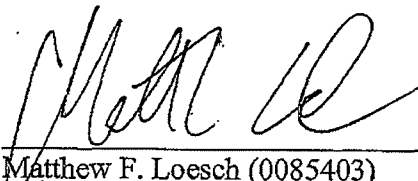
Counsel for Plaintiff

INSTRUCTIONS FOR SERVICE


TO THE CLERK:

Please issue Summons, together with a certified copy of the foregoing Complaint with Jury Demand Endorsed Hereon, for service upon the Defendants through its statutory agent at the addresses listed below by Certified Mail, Return Receipt Requested:

SCIOTO COUNTY, OHIO
612 6th Street, Room E
Portsmouth, Ohio 45662



Matthew F. Loesch (0085403)

THE STATE OF OHIO SCIOTO COUNTY, SS.	KATHY SHUPERT CLERK OF THE COURTS OF COMMON PLEAS WITHIN AND FOR SCIOTO COUNTY
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL DOCUMENT NOW ON FILE IN MY OFFICE WITNESS MY HAND SEAL OF SAID COURT	
JUL 24 2020	
KATHY SHUPERT, CLERK	
BY 	DEPUTY